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(703) 816-4014***FACSIMILE COVER SHEET***
PLEASE DELIVER IMMEDIATELY!!!!

Our Ref.: 34-105
Your Ref.: Appln. No. 09/755,664 Date: September 9, 2003

To: Linda Sholl
Firm: U.S. Patent Office
Facsimile No.: 703-872-9302
From: Michelle N. Lester

Number of Pages (including cover sheet): 7
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slj
FACSIMILE OPERATOR

ATTACHMENT/S:

MESSAGE:

In re Patent Application of
STRATTON et al.

Serial No. 09/744,664

Filed: September 18, 2000

For: A ROTARY DEVICE FOR TRANSMISSION OF MATERIAL IN
PARTICULATE FORM

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

STRATTON et al.

Atty. Ref.: 34-105

Serial No. 09/744,664

Group: 3752

Filed: September 18, 2000

Examiner: Kim, Christopher

For: A ROTARY DEVICE FOR TRANSMISSION OF MATERIAL IN
PARTICULATE FORM

* * * * *

September 9, 2003

TO THE ATTENTION OF LINDA SHOLL

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL REMARKS TO REQUEST FOR ISSUANCE OF NEW OFFICIAL
ACTION**

Supplemental to the "Request to Vacate Official Action of May 30, 2003 and Request for Issuance of New Official Action" filed June 10, 2003, kindly consider the following additional remarks.

At the outset, it is respectfully noted that when this application was filed in September 18, 2000, it was filed together with two postcard receipts: One to immediately receive a date stamp from the Patent Office mail room and one to be returned with the serial number for this case. Attached is a copy of both postcards for this case. It is to be noted that the second postcard, which bears the serial number, states "526 Rec'd PCT/PTO 18 SEP 2000". Thus, it is without question that when this continuation application was first received by the U.S. Patent Office it was improperly initially processed by the PCT Branch, apparently as a national phase application, and it is apparent that, in error, the PCT Branch personnel erroneously prepared this file with

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Serial No. 09/744,664
September 9, 2003

the PCT text (which the undersigned did not file) and either erroneously mislaid or discarded as redundant the application text actually filed with this case.

As further evidence that the application filed by the undersigned on behalf of applicant on September 18, 2000 was the text as alleged on June 10, 2003 and not a copy of the PCT text document, please consider the following:

The September 18, 2000 filing request indicated that the attached items were an Abstract together with (plus) 15 pages of specification and claims including 15 numbered claims. This is consistent with the application text that the undersigned asserts was filed on September 18, 2000. This coversheet is inconsistent with the PCT text because the PCT text does not include 15 pages of specification and claims and does not include 15 numbered claims. Rather, the PCT text presents 16 pages of specification and claims including only 7 claims. Furthermore, the undersigned's postcard receipt of September 18, 2002 is consistent with the application text that the undersigned asserts was filed on September 18, 2000 and is consistent with the coversheet the undersigned filed with the application and is inconsistent with the PCT text. Note that the postcard receipt indicates that the attached are 16 pages of specification, claims and abstract. As noted in the filing cover sheet, the attached documents were an abstract plus 15 pages of specification and claims for a total of 16 pages. It is unclear to the undersigned whether the PCT text that the PCT Branch placed in this file included the publication coversheet which bears the PCT abstract, but if it did the total pages would be 17, not 16 as indicated on the undersigned's postcard receipt. If that PCT publication title page is not present, the 16 pages of specification and claims apparently present in the Examiner's file would not be inconsistent with the postcard receipt because it would not include an abstract.


From telephone correspondence with Linda Sholl of Group 3700, it is understood that the request to vacate filed June 10, 2003 will likely now be treated as a Petition. Should any fee be required in respect to such petition, it is respectfully requested that the fee be charged to the undersigned's deposit account No. 14-1140 under order

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number 34-105. It is respectfully submitted, however, that because the error in the text used to prepare the Examiner's file originated within the U.S. Patent Office, specifically the PCT Branch, any such fee should be refunded upon grant of the petition.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Michelle N. Lester
Reg. No. 32,331

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OFFICIAL

New Continuation Patent Application of PCT/GB98/01675
 Atty: Michelle N. Lester
 Serial No.: (To Be Assigned) Date: Sep. 18, 2000
 Inventor/s: STRATTON et al. C#/M#: 34-105
 Title: ROTARY PAINT SPRAYER

Amendment
 16 Pages Specification, Claims & Abstract
 15 Claims
 1 Sheets of Drawings
 X Information Disclosure Statement
 X PTO-1449
 28 References
 X *International Search Report*
 \$0 Fee (Check)
 Other: Coversheet

326 Rec'd PCT/PTO 18 SEP 2000
 09/744664

New Continuation Patent Application of PCT/GB98/01675

Atty: Michelle N. Lester

Serial No.: (To Be Assigned)

Date: Sep. 18, 2000

Inventor/s: STRATTON et al.

C#/M#: 34-105

Title: ROTARY PAINT SPRAYER

	Amendment
16	Pages Specification, Claims & Abstract
15	Claims
1	Sheets of Drawings
X	Information Disclosure Statement
X	PTO-1449
28	References
X	<i>International Search Report</i>
\$0	Fee (Check)

Other: Coversheet



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING APPLICATION UNDER 37 CFR 1.53(b)
WITHOUT FILING FEE OR EXECUTED INVENTOR'S DECLARATION**

Assistant Commissioner for Patents
Washington, DC 20231

Atty. Dkt. 34-105

Date: September 18, 2000

Sir:

This is a request for filing a new PATENT APPLICATION under Rule 53(b) entitled:

A ROTARY DEVICE FOR TRANSMISSION OF MATERIAL IN PARTICULATE FORM
without a filing fee and/or without an executed inventor's oath/declaration.

This application is made by the below identified inventor(s). Attached hereto are the following papers:

- ☒ An abstract together with
15 pages of specification and claims including
15 numbered claims and also attached is/are
1 sheets of accompanying drawings.
☒ This application is based on the following prior foreign application(s):

Application No.

Country

Filing Date

9806709.3

GREAT BRITAIN

27 March 1998

19721615.3

GERMANY

23 May 1997

PCT/GB98/01675

GREAT BRITAIN

8 June 1998

respectively, the entire content of which is hereby incorporated by reference in this application, and priority is hereby claimed therefrom.

- ☐ This application is based on the following prior provisional application(s):
Application No. Filing Date

respectively, the entire content of which is hereby incorporated by reference in this application, and priority is hereby claimed therefrom.

- ☐ Certified copy/ies of foreign applications attached.
☐ This application is a ☐ continuation/☐ division/☐ continuation-in-part of application Serial No. , filed
☐ Please amend the specification by inserting before the first line: --This application is a ☐ continuation/☐ division/☐ continuation-in-part of application Serial No. , filed , the entire content of which is hereby incorporated by reference in this application.--
☐ Please amend the specification by inserting before the first line: --This is a continuation of PCT application No. PCT/GB98/01675, filed , the entire content of which is hereby incorporated by reference in this application.--
☐ Preliminary amendment to claims (attached hereto), to be entered before calculation of the fee.
☒ Also attached. Information Disclosure Statement/ PTO-1449/ Twenty-eight References

1. Inventor: John D. STRATTON British
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NOTE: FOR ADDITIONAL INVENTORS, check box ☐ and attach sheet with same information.

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By Atty: Michelle N. Lester, Reg. No. 32,331

Signature: 